

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

Renewal of Experimental Classification and	)	Docket No. MC99-1
Fees for Weight-Averaged Nonletter-Size	)	
Business Reply Mail	)	

Classification and Fees for Weight-Averaged	)	Docket No. MC99-2
Nonletter-Size Business Reply Mail	)	

MOTION OF THE OFFICE OF THE CONSUMER ADVOCATE  
TO OBTAIN EXPEDITED ACCESS TO SCHENK WORKPAPER I AND  
RESPONSE TO MOTION FOR PROTECTIVE CONDITIONS  
(March 26, 1999)

The Office of the Consumer Advocate (OCA) hereby moves to obtain immediate access to Schenk Workpaper I filed in camera in support of the direct testimony of Postal Service witness Leslie Schenk (USPS-T-3) in Docket No. MC99-2. Also, pursuant to the Commission's Order No. 1233,<sup>1</sup> OCA hereby answers the Postal Service motion requesting protective conditions for witness Schenk's Workpaper 1.

The Commission's Order No. 1233 requires, among other things, comments on or before April 5, 1999, upon the Postal Service's request in Docket No. MC99-1 to renew the experimental classification and fees for weight-averaged nonletter-size business reply mail previously approved in Docket No. MC97-1.<sup>2</sup> Order No. 1233 also

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<sup>1</sup> Notice and Order on Concurrent Requests for Recommended Decisions (and Related Motions) Affecting Certain Nonletter-Size Business Reply Mail, Docket Nos. MC99-1 and MC99-2, issued March 16, 1999, ordering para. 12 at 12.

<sup>2</sup> Experimental Nonletter-Size Business Reply Mail Categories and Fees, April 2, 1997.

authorizes the Postal Service and other participants to pursue settlement of the issues in Docket No. MC99-1 based on the proposed Stipulation and Agreement filed with the request by the Postal Service. The first settlement conference is scheduled for April 6, 1999. In order for the OCA to properly review the Postal Service request in Docket No. MC99-1, and to prepare comments as well as to seriously consider settlement of the request, immediate access to the Workpaper 1 filed in camera by witness Schenk in Docket No. MC99-2 is necessary.

Workpaper 1 contains volume data and other information collected under the experiment approved in Docket No. MC97-1 that, for reasons of confidentiality, is not included in the publicly available part of the filing in Docket No. MC99-2. Proper OCA review of the Postal Service request for an extension of the experiment in Docket No. MC99-1 requires that the OCA have available the data related to the volume of mail at the experimental sites for the known existing customers in order to determine the actual experienced and probable revenue and related cost impact.

The current volumes are particularly important inasmuch as the Postal Service seeks to continue to charge rates during the extended experimental period that may be unnecessarily high if they exceed appropriate costs for this service. For instance, in Docket No. MC99-1 during the extended experiment, the Postal Service is seeking to continue charging, for up to ten months for qualified nonletter-size BRM using weight averaging, \$.03 per piece (with a \$3000 monthly fee and a \$3000 set-up/qualification fee). On the other hand, in Docket No. MC99-2 the Postal Service has filed a request supported by documentation for a permanent fee for this mail at a lower rate of \$.01 per piece (with a \$600 monthly fee and no set-up qualification fee). Although the Postal

Service seeks to demonstrate in Docket No. MC99-2 that an annual volume of 10 million pieces would justify the lower permanent rate, OCA is unable to determine whether the current experimental volumes, which the Postal Service filing seems to suggest will continue, require a lower rate for the extended experiment.<sup>3</sup> The OCA therefore requires the workpaper of witness Schenk to fully review the costs experienced under the experimental phase.

The Commission's Order No. 1233 also provided for answers no later than April 5, 1999, to the Postal Service's March 10, 1999 motion in Docket No. MC99-2 requesting protective conditions for witness Schenk's Workpaper 1. Because of the need for expedited access to the workpapers, the OCA now answers that motion. The OCA has no objection to the protective conditions which were applied by the presiding officer's ruling in Docket No. MC97-1 (Ruling No. MC97-1/1, Appendix C, January 24, 1999) as proposed by the Postal Service and OCA agrees to abide by the suggested conditions. It is OCA's intention that the following staff members be given immediate access to this workpaper upon the proper certification as proposed: Ted P. Gerarden, Director of the Office of the Consumer Advocate, Sheryda C. Collins, Kenneth E. Richardson, and any other OCA staff members as the Director or the OCA may authorize.

In order to obtain an expedited ruling and access to Workpaper I, OCA has notified every participant on the Docket No. MC99-1 service list, by e-mail, facsimile, or other expedited service, of the instant motion. Copies of this motion were faxed or

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<sup>3</sup> See Docket No. MC99-2, Exhibit USPS-4A, scenario 3. See also Docket No. MC99-2, witness Kiefer prepared testimony, T-4 at 18.

mailed via Express Mail; for e-mail service, this motion was pasted directly into the e-mail message to avoid difficulties experienced by some recipients in deciphering attached e-mail files.

Since all current participants of record have received notice of OCA's our intention to access Workpaper I under the protective conditions requested by the Postal Service, OCA hereby requests the Presiding Officer to issue a ruling granting designated OCA staff members access to the workpaper by the close of business (5:00 p.m.) on Monday, March 29, 1999. Any participants who object to access to the workpaper by OCA staff members should notify the Presiding Officer by telephone or some other rapid method of communication by Monday, March 29, 1999, no later than 3:00 p.m.

Wherefore, OCA moves that it be granted access to Schenk Workpaper I, filed in camera in Docket No. MC99-2, immediately after the granting of the instant motion.

Respectfully submitted,

OFFICE OF THE CONSUMER ADVOCATE

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Ted P. Gerarden  
Director

Kenneth E. Richardson  
Attorney

## CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

KENNETH E. RICHARDSON  
Attorney

Washington, D.C. 20268-0001  
March 26, 1999